IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 2224 of 1998

Between:

1. The Assistant Director,

Animal Husbandry Department,

Tirupathi.

2. The Joint Director,

Animal Husbandry Department,

Chittoor.

3. The Director of Animal Husbandry,

Hyderabad.

4. The Project Director, D.P.A.P.,

Chittoor

..... PETITIONERS

AND

1. N.Chenga Reddy, S/o R.Subba Reddy,

Ex.Watchman Fodder Bank, Mamandur,

Animal Husbandry Department, C.Ramapuram

(Village), Tirupathi Circle, Kammapalli Mandal,

Chittoor District.

2. Chairman-cum-Presiding Officer,

Industrial Tribunal-cum-Labour Court,

Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records of the 2nd respondent i.e., Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Ananthapur passed in I.D.No.245 of 1993 dated 21-08-1997 and quash the same by declaring it as illegal, arbitrary and violative of the provisions of the Industrial Disputes Act.

Counsel for the Petitioners: GP FOR ANIMAL HUSBANDARY

Counsel for the Respondent No.1: DR.P.B.VIJAY KUMAR

Counsel for the Respondent No.2: G.P. FOR LABOUR

The Court made the following :

ORDER:

This writ petition is filed by the management of the Animal Husbandry Department represented by the Assistant Director, Animal Husbandry Department, Tirupati and others being aggrieved by the award passed by the Industrial Tribunal-cum-Labour Court in I.D.No.245 of 1993 dated 21-08-1997.

2. The case of the respondent No.1-workman before the Labour Court was that he passed S.S.C. and studied up to Intermediate course and registered his name in the District Employment Exchange on 20-09-1985. In pursuant to the notification issued by the petitioner-management he was appointed and instructed to work in the Fodder Bank, Mamandur on daily wage basis. The Fodder Bank is engaged in the business of procuring and selling fodder. Therefore, it is a commercial establishment and an industry within the meaning of Section 2 (j) of the Industrial Disputes Act. He was appointed as a night watchman on the basis of his qualification and suitability. His appointment was regular though termed as temporary. While so, the services of the first respondent-workman were terminated from 12-06-1987 while referring to the orders of the second petitioner herein. The termination order was passed with an ulterior object to deprive the workman's one year continuous service. Therefore, the termination of the first respondent-workman is arbitrary and illegal.

3. The petitioner-management has filed rejoinder denying the allegations of the workman and it was pleaded that since Fodder Bank, Mamandur, Animal Husbandry

Department, is a Government Department, no claim petition under Section 2 (A) 2 of the Industrial Disputes Act is maintainable and the Labour Court has no jurisdiction to entertain such a petition.

4. Before the Labour Court on behalf of the workman W.W.1 was examined and Exs.W1 to W9 were marked. On behalf of the petitioner-management M.W.1 was examined, however no documents were marked. After a detailed consideration of both oral and documentary evidence, the Labour Court came to the conclusion that the termination of the respondent No.1-workman from service is illegal and hit by the provisions of Section 25-F of the Industrial Disputes Act and set aside the same and directed the petitioners-management to reinstate the respondent No.1-workman into service with continuity of service, back-wages and other attendant benefits. Aggrieved by the same, present writ petition is filed.

5. The learned Government Pleader appearing for the petitioners-management strenuously contended that the Animal Husbandry Department is a Government Department and the Labour Court has no jurisdiction to entertain the claim petition filed under Section 2 (A) 2, as the same is not maintainable since the petitioner is a Fodder Bank and not an Industry within the meaning of the Industrial Disputes Act. Except this, there is no other arguments were advanced. It is not the case of the petitioners-management that the service of the respondent No.1-workman was governed by any rules made under Article 309 of the constitution of India. Admittedly, the respondent No.1-workman was only a night watchman working on casual basis. Though he had put in long service and completed 240 days in a calendar year preceding the date of his termination from service, the petitioners-management have not complied with the provisions of section 25-F of the Industrial Disputes Act and thereby rendered the termination illegal. Hence, I am of the considered opinion that the Labour Court has not committed any error in coming to the conclusion that the termination of the respondent No.1-workman from service is illegal and hit by the provisions of Section 25-F of the Industrial Disputes Act. The Labour Court has not committed any error calling for interference of this Court under Article 226 of the Constitution of India with the impugned award. The writ petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J.

Dated 15-06-2005

SKMR

..... REGISTRAR

1. The Assistant Director,

Animal Husbandry Department,

Tirupathi.

2. The Joint Director,

Animal Husbandry Department,

Chittoor.

3. The Project Director, D.P.A.P.,

Chittoor

4 2 CCs to G.P. for Animal Husbandry, High Court Buildings, Hyderabad

(OUT).

5 2 CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT).

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